

## Message Text

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15

ORIGIN L-02

INFO OCT-01 ISO-00 OES-03 EA-06 IO-10 DPW-01 ACDA-05 PM-03

CIAE-00 INR-07 NSAE-00 RSC-01 DODE-00 /039 R

DRAFTED BY L/OES/RJBETTAUER

APPROVED BY RJBETTAUER

IO/UNP-WILLIAMSON

EA/VN-FINNEY

L-ALDRICH (SUBS)

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R 232112Z JAN 75

FM SECSTATE WASHDC

TO USDEL JEC PARIS

INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 016358

E.O. 11652: GDS

TAGS: PARM,PFOR,ICRC, VN, VS

SUBJ: PRG ISSUE AT LAW OF WAR CONFERENCE

REF: JEC PARIS 1797

1. WE WOULD LIKE TO COMMENT ON POINT RAISED REFTTEL. HOWEVER, IN DEPT'S VIEW, THIS POINT WILL HAVE LITTLE IMPACT ON OUTCOME. IF THERE IS TWO-THIRDS VOTE FOR RECONSIDERATION, IT IS CERTAIN THAT PRG WILL HAVE SIMPLE MAJORITY. IF THERE IS NO TWO-THIRDS VOTE, WE WILL STILL NEED SIMPLE MAJORITY TO DEFEAT POSSIBLE AMENDMENT TO RULES.

2. BY TERMS OF FIRST SENTENCE OF RULE 32 (SEE PARAGRAPH 6 OF STATE 8673) THE TWO-THIRDS VOTE WOULD BE ON WHETHER TO RECONSIDER. THUS, CONFERENCE CHAIRMAN, IF HE RULED THAT RULE 32 APPLIED, WOULD BE SUBJECT TO BEING OVERTURNED BY SIMPLE MAJORITY UNDER PARAGRAPH 2 OF RULE 35, WHICH APPLIES TO DECISIONS OF PROCEDURE. IF HIS RULING WAS UPHELD, CONFIDENTIAL

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THEN PERMISSION COULD, UNDER TERMS OF SECOND SENTENCE OF

RULE 32, BE ACCORDED ONLY TO TWO SPEAKERS OPPOSING RECONSIDERATION. THEREAFTER, THE MOTION TO RECONSIDER IS PUT TO A VOTE AND A TWO-THIRDS MAJORITY IS REQUIRED FOR IT TO PASS. WERE THAT MOTION TO PASS, TECHNICALLY IT WOULD BE NECESSARY FOR THERE TO BE ANOTHER VOTE ON THE SUBSTANTIVE ISSUE OF WHETHER PRG SHOULD BE INVITED. THIS WOULD TAKE A MAJORITY VOTE(UNDER PARAGRAPH 4 OF RULE 35).

3. DESPITE THIS READING, WE SHOULD NOTE THAT PRACTICE AT UN ON THIS HAS BEEN UNEVEN. SOMETIMES, IF A MOTION TO RECONSIDER IS PASSED BY TWO-THIRDS, THE ASSEMBLY HAS GONE ON TO HAVE ANOTHER VOTE ON THE SUBSTANCE. AT OTHER TIMES, IT HAS NOT.

4. WE NOTE THAT IF CHAIRMAN'S RULING THAT RULE 32 APPLIES IS UPHELD BY A SIMPLE MAJORITY, IT WOULD ALWAYS STILL BE POSSIBLE FOR SOMEONE TO MOVE TO AMEND RULE 32 OF THE RULES OF PROCEDURE, E.G., TO PROVIDE AN EXCEPTION TO THE TWO-THIRDS RULE SO THAT ONLY A MAJORITY IS REQUIRED TO RECONSIDER ISSUES OF INVITATION. UNDER RULE 63, IT ONLY TAKES A SIMPLE MAJORITY TO AMEND RULES OF PROCEDURE. INGERSOLL

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